

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION -FLINT**

IN THE MATTER OF:

Thao Nguyen,

Bankruptcy Case No. 19-31231-jda
Honorable Joel D. Applebaum
Chapter 7

Debtor.

**TRUSTEE'S MOTION FOR AUTHORITY TO SELL REAL PROPERTY FREE AND
CLEAR OF ALL LIENS, INTERESTS AND ENCUMBRANCES WITH LIENS,
INTERESTS AND ENCUMBRANCES TRANSFERRING TO THE PROCEEDS OF
SALE AND TO PAY CLOSING COSTS PURSUANT TO 11 U.S.C. §363 (b) AND §363(f)**

NOW COMES Trustee, Samuel D. Sweet, ("Trustee"), by and through his counsel, Samuel D. Sweet, PLC, and hereby states as follows:

1. On January 7, 2021, Debtor filed a Voluntary Petition under Chapter 7 of the Bankruptcy Reform Act of 1978 as Amended, Title 11.

2. Subsequent of the aforementioned bankruptcy filing, Samuel D. Sweet ("Trustee") was appointed the duly qualified and acting Trustee in this matter.

3. Among the assets of this estate is real estate located in the Township of Brighton, County of Livingston, State of Michigan, more particularly described as:

Unit No. 1, Morgan Lake Estates, a Condominium, according to the Master Deed recorded in Liber 2450, Page 435, as amended, and designated as Livingston County Condominium Subdivision Plan No. 157, together with rights in the general common elements and the limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Parcel ID# 4712-09-301-001

Commonly known as 1856 Cobble Court, Brighton, Michigan 48114.

4. This property has a substantial value over and above the lien on said property and the Trustee believes the sale of this property will yield substantial funds for the bankruptcy estate.

5. The Trustee has accepted an offer for the Property in the amount of \$570,000.00 pursuant to the Purchase Agreement attached hereto as Exhibit B and such conveyance shall be by a Trustee's Deed.

6. The Trustee seeks approval to sell the Property free and clear of all liens, interests, and encumbrances with any and all liens and encumbrances attaching to the proceeds of the sale for the benefit of this bankruptcy estate pursuant to 11 U.S.C. §363(b) and (f), Fed.R.Bankr.P.

6004, 7001, 9004 and L.B.R. 6004-1 (E.D.M.).

7. The Trustee seeks approval for the payment of ordinary closing costs including transfer taxes, title insurance premium, prorated real property taxes and water bills, etc.

8. The Trustee will also be required to repair or replace the boiler at the property and incur certain costs related to same.

9. All valid liens, interests, and encumbrances attaching to the Property will attach to the net proceeds from the sale of the Property to the same extent and priority as if the liens were attached to the Property.

10. The transfer of the Property will be “as is, where is” and free and clear of all liens, interests, and encumbrances.

11. The Trustee believes that a sale of the Property is in the best interest of the estate and creditors.

12. It is the intention of the Trustee to pay the mortgage of Washington Mutual Bank approximately \$480,000.00 at the time of closing.

13. It is further the intention of the Trustee to pay the liens of Morgan Lake Estates Homeowners Association in the approximate amount of \$2,000.00 at the time of closing.

14. It is the intention of the Trustee to subordinate the tax lien of the United States in the amount of \$51,551.11 under §724 of the Bankruptcy Code and transfer said lien to the proceeds of sale.

WHEREFORE, Trustee prays this Honorable Court enter the Order attached hereto as Exhibit “A” and for such other and further relief this Court deems just and proper.

Respectfully submitted,

SAMUEL D. SWEET, PLC

By: /s/ Samuel D. Sweet
Samuel D. Sweet (P48668)
Attorneys for Trustee
52 E. Burdick Street #10
Oxford, Michigan 48371
(248) 236-0985

ssweet@trusteesweet.us

Dated: 5/11/2022

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION -FLINT**

IN THE MATTER OF:

Thao Nguyen,

Bankruptcy Case No. 19-31231-jda
Honorable Joel D. Applebaum
Chapter 7

Debtor.

**ORDER GRANTING TRUSTEE'S MOTION FOR AUTHORITY TO SELL REAL
PROPERTY FREE AND CLEAR OF ALL LIENS, INTERESTS AND ENCUMBRANCES
WITH LIENS, INTERESTS AND ENCUMBRANCES TRANSFERRING TO THE
PROCEEDS OF SALE AND TO PAY CLOSING COSTS PURSUANT TO 11 U.S.C. § 363
(b) AND §363(f)**

This matter having come before this Honorable Court based upon the Trustee's Motion for Authority to Sell Real Property Free and Clear of All Liens, Interests and Encumbrances with Liens, Interests and Encumbrances Transferring to the Proceeds of Sale and to Pay Closing Costs Pursuant to 11 U.S.C. §363(b) and §363(f); no objections having been filed to the Trustee's Motion; or any filed objection having been resolved; notice having been provided properly, pursuant to Rule 2002 and 9019 of the Federal Rules of Bankruptcy Procedures; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that Trustee's Motion is granted and he is authorized to sell the real property located at 1856 Cobble Court, Brighton, Michigan 48114 in the Township of Brighton, County of Livingston, State of Michigan, more particularly described as:

Unit No. 1, Morgan Lake Estates, a Condominium, according to the Master Deed recorded in Liber 2450, Page 435, as amended, and designated as Livingston County Condominium Subdivision Plan No. 157, together with rights in the general common elements and the limited common elements as shown on the Master Deed and as described in Act 59 of the Public Acts of 1978, as amended.

Parcel ID# 4712-09-301-001

("Property") in the amount of \$570,000.00 pursuant to 11 U.S.C. §363(b) and free and clear of any liens, interests, and encumbrances pursuant to 11 U.S.C. §363(f).

IT IS FURTHER ORDERED that the Trustee shall be and is hereby authorized to sell the

real property for the full sale price of \$570,000.00.

IT IS FURTHER ORDERED that the Trustee is authorized to pay outstanding real estate taxes, tax prorations, transfer taxes, and normal closing costs charged to the Seller.

IT IS FURTHER ORDERED that Trustee shall disburse all funds pursuant to a settlement statement by the Title Company and retain all net proceeds for creditors benefit.

IT IS FURTHER ORDERED that the first lien creditor, Washington Mutual Bank, shall receive the payment of the redemption amount of \$480,000.00 plus interest.

IT IS FURTHER ORDERED that the Real Estate Agent and Broker, Alan Stalter, shall be paid his commissions of 6% said fees are approved and payable at closing in the amount of \$34,200.00.

IT IS FURTHER ORDERED that the lien of the United States in the amount of \$51,551.11 shall be and is hereby transferred to the proceeds of sale and §724 of the Bankruptcy Code will be used to subordinate and disburse funds to said creditor.

IT IS FURTHER ORDERED that the fourteen-day stay period set forth in Rule 6004(h), Fed.R.Bankr.P., is waived.

HONORABLE JOEL D. APPLEBAUM
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION -FLINT**

IN THE MATTER OF:

Thao Nguyen,

Debtor.

Bankruptcy Case No. 19-31231-jda
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**NOTICE OF REQUIREMENT OF WRITTEN RESPONSE TO TRUSTEE'S MOTION FOR
AUTHORITY TO SELL REAL PROPERTY FREE AND CLEAR OF ALL LIENS, INTERESTS
AND ENCUMBRANCES WITH LIENS, INTERESTS AND ENCUMBRANCES
TRANSFERRING TO THE PROCEEDS OF SALE AND TO PAY CLOSING COSTS
PURSUANT TO 11 U.S.C. § 363 (b) AND §363(f)**

Trustee, Samuel D. Sweet, has filed papers with the Court for the Authority to Sell Real Property of the Estate located at 1856 Cobble Court, Brighton, Michigan 48114 for the full amount of \$570,000.00.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to allow the Trustee's Motion, or if you want the Court to consider your views on the Motion, within twenty-one (21) days, you or your attorney must:

1. File with the Court a written response or an answer which must comply with F.R.Civ.P. 8(b), (c) and (e) explaining your position pursuant to L.B.R. 9014-1 at:

Clerk of the United States Bankruptcy Court
Eastern District of Michigan-Southern Division
226 West Second Street, Flint, Michigan 48462-0757

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

You must also mail a copy to: Samuel D. Sweet, Attorney for Trustee (at the address below)

2. If a response or answer is timely filed and served, the Clerk will schedule a hearing on the motion/objection and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an Order granting that relief.

SAMUEL D. SWEET, PLC

/s/ Samuel D. Sweet
By: Samuel D. Sweet (P 48668)
Attorneys for Trustee
52 E. Burdick Street #10
Oxford, Michigan 48371
(248) 236-0985
ssweet@trusteesweet.us

Date Served: 5/11/2022

¹Response or answer must comply with F.R. Civ. P 8 (b) (c) and (e)

UNITED STATES BANKRUPTCY COURT
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the following:

Trustee's Motion for Authority to Sell Real Property Free and Clear of All Liens, Interests and Encumbrances with Liens, Interests and Encumbrances Transferring to the Proceeds of Sale and to Pay Closing Costs Pursuant to 11 U.S.C. §363(b) and §363(f), Notice of Trustee's Motion to Sell

was electronically served on the 11th day of May, 2022, upon:

Doug Dern
Attorney for Debtor
law4less@aol.com
(Via ECF Only)

was served via First Class Mail, pre-paid postage, on this 11th day of May, 2022, addressed as follows:

Thao Nguyen
1856 Cobble Ct.
Brighton, MI 48114

Alan Stalter
Real Estate Agent & Broker for Trustee
alan.stalter@elitereo.com
(Via Email Only)

****NOTICE TO CREDITORS AND OTHER PARTIES OF INTEREST WAS SERVED ON ALL PARTIES LISTED ON THE ATTACHED COURT MATRIX****

/s/ Jessica A. Will
SAMUEL D. SWEET, PLC
Jessica A. Will, Legal Assistant
52 E. Burdick Street #10
Oxford, Michigan 48371
(248) 236-0985
jwill@trusteesweet.us